

By the Committee on Business Development & International Trade and Representatives Johnson, Murman, Bradley and Ritchie

1 A bill to be entitled
2 An act relating to the Olympic Games; providing
3 definitions; creating an Olympic Games Guaranty
4 Account within the Economic Development Trust
5 Fund; providing for purpose, administration,
6 funding, and use of the account; providing
7 requirements of and restrictions on the
8 account; providing a limit on liability of the
9 state; providing for termination of the account
10 under specified conditions; providing for
11 reversion of funds; requiring the local
12 organizing committee to provide certain
13 information; providing for the execution of
14 games support contracts; providing requirements
15 with respect to application for such contracts;
16 providing criteria for contract approval;
17 providing specified authority of the
18 direct-support organization authorized under s.
19 288.1229, F.S.; providing a restriction on the
20 direct-support organization; providing
21 additional authority of specified agencies and
22 entities; providing an effective date.

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24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Purpose.--The purpose of this act is to
27 provide the necessary assurances and commitments required by
28 the United States Olympic Committee and the International
29 Olympic Committee in selecting a host city for the XXXth
30 Olympic Games in 2012.

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1 Section 2. Legislative findings.--The selection of a
2 candidate city in this state to host the 2012 Olympic Games
3 will confer significant benefits to the state as a whole and
4 to the communities where the games are held, including:

5 (1) Invaluable public visibility throughout the world.

6 (2) Increased tourism and economic growth.

7 (3) Significant job creation.

8 (4) The development of state-of-the-art sports
9 facilities and venues that Floridians will enjoy long after
10 the games are concluded.

11 (5) Enhanced opportunities for Florida athletes to
12 train and compete in amateur athletics at the international
13 level.

14 (6) An enduring legacy of good will throughout the
15 world.

16 (7) The opportunity to secure federal infrastructure
17 funding for key community projects.

18 Section 3. Definitions.--As used in this act:

19 (1) "Candidate city" means a municipality in this
20 state that has qualified for consideration by the United
21 States Olympic Committee as the United States candidate city
22 to host the XXXth Olympic Games in 2012.

23 (2) "Games" means the XXXth Olympic Games to be held
24 in 2012.

25 (3) "Games support contract" means a joinder
26 undertaking, a joinder agreement, or similar contract executed
27 by the state, a candidate city, or a local organizing
28 committee in connection with the selection of the candidate
29 city to host the games.

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1 (4) "International Olympic Committee" means the
2 international governing body responsible for organizing and
3 conducting the Olympic Games.

4 (5) "Joinder agreement" means an agreement entered
5 into by:

6 (a) The state and the United States Olympic Committee
7 or the International Olympic Committee, setting out
8 representations and assurances by the state in connection with
9 the selection of the candidate city to host the games; or

10 (b) A candidate city and the United States Olympic
11 Committee or the International Olympic Committee, setting out
12 representations and assurances by the candidate city in
13 connection with the selection of the city to host the games.

14 (6) "Joinder undertaking" means an agreement entered
15 into by:

16 (a) The state and the United States Olympic Committee
17 or the International Olympic Committee that the state will
18 execute a joinder agreement if the candidate city is selected
19 to host the games; or

20 (b) A candidate city and the United States Olympic
21 Committee or the International Olympic Committee that the city
22 will execute a joinder agreement if the city is selected to
23 host the games.

24 (7) "Local organizing committee" means a nonprofit
25 corporation or its successor in interest that:

26 (a) Has been authorized by the candidate city to
27 pursue an application to the United States Olympic Committee
28 and bid on the city's behalf to host the games.

29 (b) Has executed an agreement with the United States
30 Olympic Committee regarding the candidate city's bid to host
31 the games.

1 (8) "United States Olympic Committee" means the
2 official national Olympic Committee of the United States of
3 America, which has been authorized by law to govern all
4 matters relating to national participation in the Olympic
5 Games.

6 Section 4. Guarantee of state obligations; Olympic
7 Games Guaranty Account.--

8 (1) There is created, within the Economic Development
9 Trust Fund established pursuant to s. 288.095, Florida
10 Statutes, the Olympic Games Guaranty Account. The Olympic
11 Games Guaranty Account shall be used for the sole purpose of
12 fulfilling the state's obligations under a games support
13 contract to indemnify and insure against any net financial
14 deficit resulting from the conduct of the games. The
15 direct-support organization authorized under s. 288.1229,
16 Florida Statutes, shall be responsible for administration of
17 the Olympic Games Guaranty Account.

18 (2) With funds from the Olympic Games Guaranty
19 Account, the direct-support organization authorized under s.
20 288.1229, Florida Statutes, shall obtain adequate security,
21 acceptable to the United States Olympic Committee and the
22 International Olympic Committee, to demonstrate the state's
23 ability to fulfill its obligations under the games support
24 contracts to indemnify and insure up to \$175 million of any
25 net financial deficit resulting from the conduct of the games.
26 Such security may be provided by state funds committed to the
27 Olympic Games Guaranty Account, or by insurance coverage,
28 letters of credit, or other acceptable security instruments
29 purchased or secured by such funds, or by any combination of
30 these options. In no event may the liability of the state
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1 under all games support contracts entered into pursuant to
2 this act exceed \$175 million in the aggregate.

3 (3) No later than July 1, 2001, the local organizing
4 committee shall provide adequate security, acceptable to the
5 direct-support organization authorized under s. 288.1229,
6 Florida Statutes, to demonstrate the local organizing
7 committee's ability to indemnify and insure the first \$25
8 million of any net financial deficit resulting from the
9 conduct of the games for which the state would be liable under
10 the games support contracts. Such security may be provided
11 through the establishment of an internal guaranty fund,
12 insurance coverage, letters of credit, or other acceptable
13 security instruments, or by any combination of these options.
14 Any such security will identify the state as an additional
15 insured. If adequate proof of security is not provided as
16 part of the bid and maintained throughout the course of the
17 games, then the Olympic Games Guaranty Account shall be
18 terminated.

19 (4) In no event may the direct-support organization
20 authorized under s. 288.1229, Florida Statutes, permit the
21 security provided by the state pursuant to this act to be
22 accessed to cover any net financial deficit indemnified by the
23 state under the games support contracts until the security
24 provided by the local organizing committee pursuant to this
25 act is fully expended and exhausted.

26 (5) Funding for the Olympic Games Guaranty Account may
27 be derived from any combination of the following:

28 (a) Sums earmarked from the Working Capital Fund, with
29 said funds transferred to the Olympic Games Guaranty Account
30 in the event that the candidate city is selected by the United
31 States Olympic Committee as the United States candidate city

1 to host the games, or at such earlier time as shall be
2 determined by the State of Florida.

3 (b) Sums lawfully appropriated.

4 (c) The increases in proceeds deposited into the
5 General Revenue Fund from the taxes levied under chapter 212,
6 Florida Statutes, that are determined by the Revenue
7 Estimating Conference to be attributable to the games and
8 related events.

9 (6) No additional state funds shall be deposited into
10 the Olympic Games Guaranty Account once the direct-support
11 organization authorized under s. 288.1229, Florida Statutes,
12 determines that the account has achieved, or is reasonably
13 expected to accrue, a sufficient balance to provide adequate
14 security, acceptable to the United States Olympic Committee
15 and the International Olympic Committee, to demonstrate the
16 state's ability to fulfill its obligations under the games
17 support contracts to indemnify and insure up to \$175 million
18 of any net financial deficit resulting from the conduct of the
19 games.

20 (7) Moneys in the Olympic Games Guaranty Account shall
21 not be subject to the provisions of s. 216.301(1)(a), Florida
22 Statutes. Any funds maintained in the Olympic Games Guaranty
23 Account shall be assigned to the State Board of Administration
24 for investment.

25 (8) If the candidate city is selected by the
26 International Olympic Committee as the host city for the
27 games, the Olympic Games Guaranty Account shall be terminated
28 upon the determination by the direct-support organization
29 authorized under s. 288.1229, Florida Statutes, that the
30 state's obligations under the games support contracts to
31 indemnify and insure against any net financial deficit

1 resulting from the conduct of the games are concluded. If the
2 candidate city is not selected by the United States Olympic
3 Committee as the United States candidate city to host the
4 games, or if the candidate city is not selected by the
5 International Olympic Committee as the host city for the
6 games, then the Olympic Games Guaranty Account shall be
7 immediately terminated.

8 (9) Upon the termination of the Olympic Games Guaranty
9 Account, all sums earmarked or transferred to the Olympic
10 Games Guaranty Account from the Working Capital Fund shall
11 immediately revert to the Working Capital Fund and shall be
12 free for other uses, and all sums appropriated to the Olympic
13 Games Guaranty Account from the General Revenue Fund, and any
14 investment earnings retained in the Olympic Games Guaranty
15 Account, shall immediately revert to the General Revenue Fund
16 and be available for appropriation.

17 (10) The local organizing committee shall provide all
18 information in its possession that is required by the Revenue
19 Estimating Conference to enable it to fulfill its duties under
20 this act, including the annual financial statements and
21 records required by the United States Olympic Committee or the
22 International Olympic Committee, and data obtained by the
23 local organizing committee relating to attendance at the games
24 and to the economic impact of the games. A local organizing
25 committee must provide such annual financial statements and
26 records not later than 120 days after the period covered by
27 the financial statements and records ends.

28 Section 5. State execution of games support contracts;
29 assistance of state agencies.--

30 (1) The direct-support organization authorized under
31 s. 288.1229, Florida Statutes, shall review an application

1 from a local organizing committee that the direct-support
2 organization authorized under s. 288.1229, Florida Statutes,
3 on behalf of the state, commit to enter into a games support
4 contract that is required by the United States Olympic
5 Committee or the International Olympic Committee in connection
6 with the selection of a candidate city in this state to host
7 the games.

8 (2) An application made under subsection (1) must be
9 accompanied by:

10 (a) A description and summary of the games for which
11 host city designation is sought by the local organizing
12 committee.

13 (b) A description of the proposal the local organizing
14 committee intends to submit to the United States Olympic
15 Committee, including the proposed venues to be used to conduct
16 the games.

17 (c) Projections of the paid attendance and direct and
18 indirect economic impact of the games on the state and the
19 candidate city, including the basis and methodology for such
20 projections.

21 (d) The anticipated total cost of presenting the games
22 and the committee's plan for financing this cost.

23 (e) The resources committed by the candidate city and
24 any other participating municipalities and other government
25 entities to fulfill the obligations under the games support
26 contracts.

27 (f) Any other information reasonably requested by the
28 direct-support organization authorized under s. 288.1229,
29 Florida Statutes, within 60 days after receipt of the
30 application, to assist the direct-support organization in
31 completing its evaluation as required under subsection (3).

1 (3) Within 30 days after receiving all information
2 required under subsection (2), the direct-support organization
3 authorized under s. 288.1229, Florida Statutes, shall approve
4 or deny any application made under subsection (1). In making
5 this determination, the direct-support organization must make
6 findings regarding the following:

7 (a) The reasonableness and reliability of the local
8 organizing committee's revenue and expenditure projections.

9 (b) The reasonableness and reliability of the
10 projection relating to the direct and indirect economic impact
11 of hosting the games.

12 (c) The extent to which the candidate city and other
13 participating jurisdictions have committed sufficient
14 resources to fulfill the obligations under the games support
15 contracts.

16 (d) The extent to which the local organizing committee
17 has sought to maximize the use of existing venues throughout
18 the state, within the limitation imposed by the United States
19 Olympic Committee regarding transportation, accommodations,
20 facility capacity, and customs and practices.

21 (e) The extent to which the local organizing committee
22 has demonstrated that it has provided, is capable of
23 providing, has financial or other commitments to provide for,
24 or provides findings of projected financial revenues
25 reasonably calculated to cover the costs incurred or
26 anticipated in relation to presentation of the games.

27 (f) The extent to which the state's obligations and
28 risks are reasonable in light of the anticipated benefits to
29 the state and its citizens.

30 (4) The direct-support organization authorized under
31 s. 288.1229, Florida Statutes, may agree in a joinder

1 undertaking entered into with the United States Olympic
2 Committee or the International Olympic Committee that the
3 direct-support organization authorized under s. 288.1229,
4 Florida Statutes, will:

5 (a) Execute a joinder agreement if the United States
6 Olympic Committee selects a candidate city in the state to
7 host the games.

8 (b) Refrain from taking any action after the execution
9 of the joinder undertaking that would impair its ability to
10 execute the joinder agreement.

11 (5) The direct-support organization authorized under
12 s. 288.1229, Florida Statutes, may agree in a joinder
13 agreement that the state will fulfill its obligations under a
14 games support contract to indemnify and insure the United
15 States Olympic Committee or the International Olympic
16 Committee against any net financial deficit resulting from the
17 conduct of the games.

18 (6) The direct-support organization authorized under
19 s. 288.1229, Florida Statutes, may agree to execute a games
20 support contract only if the candidate city has executed a
21 games support contract with the United States Olympic
22 Committee that contains substantially similar terms, and:

23 (a) The findings made pursuant to section 3 continue
24 to be valid.

25 (b) The state's obligations and risk pursuant to the
26 games support contract are reasonable in light of the
27 anticipated benefits to the state and its citizens.

28 (c) Any financial commitments of the state will be
29 satisfied exclusively by recourse to the Olympic Games
30 Guaranty Account.

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1 (7) The direct-support organization authorized under
2 s. 288.1229, Florida Statutes, may require a local organizing
3 committee to list the state as an additional insured on any
4 policy of insurance purchased by the local organizing
5 committee and required by the United States Olympic Committee
6 or the International Olympic Committee to be in effect in
7 connection with the games.

8 (8) The Florida Department of Transportation, the
9 Florida Department of Law Enforcement, the Florida Department
10 of Community Affairs, Enterprise Florida, Inc., the Office of
11 Tourism, Trade, and Economic Development, the Florida Tourism
12 Commission, the direct-support organization authorized under
13 s. 288.1229, Florida Statutes, and the Florida Tourism
14 Industry Marketing Corporation may:

15 (a) Assist a local organizing committee in developing
16 applications and planning for the games.

17 (b) Enter into contracts, agreements, or assurances
18 relating to the presentation of the games.

19 (9) Notwithstanding any other provision of this act,
20 the direct-support organization authorized under s. 288.1229,
21 Florida Statutes, may not obligate the state to pay or
22 otherwise provide funds to cover the costs of the construction
23 or purchase of a building or other facility by a city.

24 Section 6. This act shall take effect upon becoming a
25 law.